

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY D. JONES,

**Plaintiff,**

V.

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS,  
JOHN ALDANA, D. WALLACE, DAN  
PACHOLKE, LORI LAWSON,

## Defendants.

No. C13-5084 RBL/KLS

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

(1) The Court adopts the Report and Recommendation.

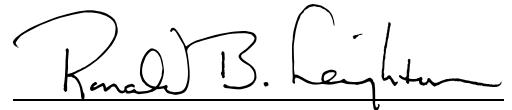
(2) Defendants' motion to dismiss (ECF No. 29) is **GRANTED as to:** Plaintiff's claims against D. Wallace, State of Washington, Department of Corrections, Defendant John Aldana in his official capacity as OCC Superintendent, and Defendant Dan Pacholke in his official capacity as DOC Assistant Secretary.

(3) The remainder of Defendants' motion to dismiss (ECF No. 29) is **DENIED**.

Plaintiff shall file a second amended complaint **within forty-five days of this Order**, pleading facts, if any, to support his remaining claims.

1 (4) This matter is re-referred to Magistrate Judge Karen L. Strombom for further  
2 proceedings.

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4 **DATED** this 20<sup>th</sup> day of September, 2013.

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8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE

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